

# Board of Supervisors

**Ann English**  
Chairman  
District 2

**Richard R. Searle**  
Vice-Chairman  
District 3

**Patrick G. Call**  
Supervisor  
District 1



**Michael J. Ortega**  
County Administrator

**James E. Vlahovich**  
Deputy County Administrator

**Arlethe G. Rios**  
Clerk

**AGENDA FOR REGULAR BOARD MEETING**  
**Tuesday, December 3, 2013 at 10:00 AM**  
BOARD OF SUPERVISORS HEARING ROOM  
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

**ROLL CALL**

*Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.*

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*Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.*

**CALL TO THE PUBLIC**

*This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.*

**CONSENT**

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 19, 2013 and the Minutes of the Board of Equalization of November 12, 2013.

**Community Development**

2. Approve the reappointment of Mr. Tim Cervantes and Mr. Jim Martzke, Districts 1 and 3 respectively to the Planning and Zoning Commission for four year terms ending December 31, 2017.
3. Approve the reappointment of Mr. Tom Borer and Ms. Helen Bernard to the Boards of Adjustment, Districts 1 and 3, respectively, for four year terms ending December 31, 2017.

## **Finance**

4. Approve demands and budget amendments for operating transfers.

## **Indigent Defense**

5. Approve an award of contract to Jane H. Jacobs, Esq. for Indigent Defense Contract Services pursuant to Request for Qualifications (RFQ) No. 14-03-IDC-01 for the period of December 3, 2013 through June 30, 2014.

## ***PUBLIC HEARINGS***

### **Board of Supervisors**

6. Approve a new liquor license application for a series #12 (restaurant) liquor license submitted by Ms. Christina M. Carbajal for Steve & Tina's Brite Spot Restaurant located at 10989 E Hwy 92, Palominas, 85615.

## ***ACTION***

### **Board of Supervisors**

7. Approve the 2014 Cochise County calendar reflecting the schedule of the Regular Board of Supervisor meetings for the calendar year 2014, the 2014 holidays and pay days, and authorize the Clerk to post the Public Notice of the 2014 meeting schedule.
8. Renew and/or revise committee appointments for members of the Board of Supervisors and executive staff for the 2014 Calendar Year and approve continuing annual memberships for 2014, with payment of associated dues as described herein.

## **Human Resources**

9. Adopt revisions and updates to the Cochise County Drug and Alcohol Policy, Family and Medical Leave Act (FMLA) Policy and the Worker Compensation Policy effective January 1, 2014.

## ***REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS***

## ***SUMMARY OF CURRENT EVENTS***

**Report by District 1 Supervisor, Patrick Call**

**Report by District 2 Supervisor, Ann English**

**Report by District 3 Supervisor, Richard Searle**

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

(520) 432-9200 - Fax (520) 432-5016 - Email: [board@cochise.az.gov](mailto:board@cochise.az.gov)  
[www.cochise.az.gov](http://www.cochise.az.gov)

**"PUBLIC PROGRAMS, PERSONAL SERVICE"**

## Board of Supervisors

**Regular Board of Supervisors Meeting****Meeting Date:** 12/03/2013

Minutes

**Submitted By:** Arlethe Rios, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation**Document Signatures:****NAME** n/a  
**of PRESENTER:****Mandated Function?:****Recommendation:****# of ORIGINALS****Submitted for Signature:****TITLE** n/a  
**of PRESENTER:****Source of Mandate  
or Basis for Support?:****Information****Agenda Item Text:**

Approve the Minutes of the regular meeting of the Board of Supervisors of November 19, 2013 and the Minutes of the Board of Equalization of November 12, 2013.

**Background:**

Minutes

**Department's Next Steps (if approved):**

Signed minutes routed for processing and posted on the internet.

**Impact of NOT Approving/Alternatives:**

n/a

**To BOS Staff: Document Disposition/Follow-Up:**

Send to the Recorder's Office for microfiche purposes.

**Attachments**BOE Minutes 11.12.13BOS Regular Minutes 11.19.13

**Regular Board of Supervisors Meeting****Community Development****Meeting Date:** 12/03/2013

Reappoint Tim Cervantes and Jim Martzke to the Planning and Zoning Commission

**Submitted By:** Mike Turisk, Community Development**Department:** Community Development**Division:** Planning & Zoning**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:****NAME of PRESENTER:** n/a**TITLE of PRESENTER:** n/a**Docket Number (If applicable):****Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Approve the reappointment of Mr. Tim Cervantes and Mr. Jim Martzke, Districts 1 and 3 respectively to the Planning and Zoning Commission for four year terms ending December 31, 2017.

**Background:**

The Planning and Zoning Commission consists of nine members, three members appointed by each County Supervisor and residing in the respective Supervisorial District. Planning and Zoning Commissioners serve staggered four-year terms. On December 31, 2013, the terms of District 1 Planning Commissioner Tim Cervantes and District 3 Planning Commissioner Jim Martzke will expire. Supervisors Pat Call and Richard Searle are recommending reappointment of the respective Commissioners for a four year term ending December 31, 2017.

**Department's Next Steps (if approved):**

Send re-appointment letters and oaths of office to Messrs. Cervantes and Martzke, as outlined below in BOS Staff follow-up.

**Impact of NOT Approving/Alternatives:**

There will be two vacancies on the Planning and Zoning Commission; one each for Districts 1 and 3.

**To BOS Staff: Document Disposition/Follow-Up:**

Please send Messrs. Cervantes and Martzke the standard letter from the Board's Office affirming their reappointment along with administering the Oath of Office for each:

Tim Cervantes  
P O Box 224  
Hereford, AZ 85615  
520.559.5555  
timcervantes@thecochisewaterproject.com

Jim Martzke  
P.O. Box 1179

Benson, AZ 85602  
520.586.3891 (home)  
jvmartzke@powerc.net

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## Attachments

2013 PnZ Re-appointments

**Regular Board of Supervisors Meeting****Community Development****Meeting Date:** 12/03/2013

Reappoint Mr. Tom Borer and Ms. Helen Bernard to the Boards of Adjustment, Districts 1 and 3, respectively

**Submitted By:** Mike Turisk, Community Development

**Department:** Community Development**Division:**

Planning &amp; Zoning

**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:**

**NAME of PRESENTER:** n/a

**TITLE of PRESENTER:** n/a

**Docket Number (If applicable):****Mandated Function?:** Not Mandated

**Source of Mandate or Basis for Support?:**

**Information****Agenda Item Text:**

Approve the reappointment of Mr. Tom Borer and Ms. Helen Bernard to the Boards of Adjustment, Districts 1 and 3, respectively, for four year terms ending December 31, 2017.

**Background:**

The three Boards of Adjustment consist of three members appointed by the County Supervisor for that district and residing in said district. Members of the Boards of Adjustment serve staggered four-year terms. On December 31, 2013, the terms of District 1 Board of Adjustment member Tom Borer and District 3 Board member Helen Bernard will expire. Supervisor Pat Call is recommending re-appointment of Mr. Borer, and Supervisor Richard Searle is recommending re-appointment of Helen Bernard, each for four-year terms ending on December 31, 2017.

**Department's Next Steps (if approved):**

Send re-appointment letters and administer oaths of office to Mr. Borer and Ms. Bernard as stated below in BOS Staff follow-up.

**Impact of NOT Approving/Alternatives:**

There will be one vacancy on the Board of Adjustment for District 1 and one vacancy on the Board of Adjustment for District 3.

**To BOS Staff: Document Disposition/Follow-Up:**

Please send Mr. Borer and Ms. Bernard the standard letter from the Board's Office affirming their re-appointment along with Oaths of Office:

Tom Borer  
4732 S. Shoshoni Avenue  
Sierra Vista, AZ  
(520) 249-5361  
[teborer@cox.net](mailto:teborer@cox.net)

Helen Barnard  
4303 N Stronghold Rd  
Cochise, AZ 85606  
(520) 678-4282  
[jollyfarm@gmail.com](mailto:jollyfarm@gmail.com)

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## **Attachments**

Staff Memo



**Regular Board of Supervisors Meeting**

**Meeting Date:** 12/03/2013

Demands

**Submitted By:** Arlethe Rios, Board of Supervisors

**Department:** Board of Supervisors

**Presentation:** No A/V Presentation

**Document Signatures:**

**NAME** n/a  
**of PRESENTER:**

**Mandated Function?:**

**Recommendation:**

**# of ORIGINALS**

**Submitted for Signature:**

**TITLE** n/a  
**of PRESENTER:**

**Source of Mandate  
or Basis for Support?:**

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**Information**

**Agenda Item Text:**

Approve demands and budget amendments for operating transfers.

**Background:**

Auditor-General's requirement for Board of Supervisors to approve.

**Department's Next Steps (if approved):**

Return to Finance after BOS approval.

**Impact of NOT Approving/Alternatives:**

Board of Supervisors will not be in compliance with State law.

**To BOS Staff: Document Disposition/Follow-Up:**

Return to Finance after BOS approval.

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**Regular Board of Supervisors Meeting**

**Meeting Date:** 12/03/2013

Award of Contract for Indigent Defense Contract Services

**Submitted By:** Dave Seward, Procurement

**Department:** Procurement

**Presentation:** No A/V Presentation

**Recommendation:** Approve

**Document Signatures:** BOS Signature Required

**# of ORIGINALS** 2

**Submitted for Signature:**

**NAME  
of PRESENTER:** N/A

**TITLE  
of PRESENTER:** N/a

**Mandated Function?:** Federal or State Mandate

**Source of Mandate  
or Basis for Support?:**

**Docket Number (If applicable):**

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**Information**

**Agenda Item Text:**

Approve an award of contract to Jane H. Jacobs, Esq. for Indigent Defense Contract Services pursuant to Request for Qualifications (RFQ) No. 14-03-IDC-01 for the period of December 3, 2013 through June 30, 2014.

**Background:**

RFQ No. 14-03-IDC-01 was released on August 19, 2013 as an open ended solicitation to supplement the current qualified list of attorneys utilized for felony, dependency, severance, delinquency and misdemeanor cases. The intent of the RFQ is to evaluate submittals as they are received and make a determination if the submittal meets the minimum qualifications and is determined to be successful by the evaluation panel and approved to be added to the existing qualified list resulting from RFQ No. 13-06-IDC-01.

Jane H. Jacobs submitted her response to the RFQ on October 28, 2013. The evaluation panel independently evaluated the submittal and unanimously agreed to award a contract to Jane for the following classes of cases:

- Delinquency and Incurrigibility cases

**Department's Next Steps (if approved):**

Execute contract. Assign work on a rotation basis. Monitor contract performance.

**Impact of NOT Approving/Alternatives:**

Jane H. Jacobs will not be added to the qualified list of attorneys.

**To BOS Staff: Document Disposition/Follow-Up:**

Contracts signed by Jane Jacobs will be hand carried to the Clerk of the Board

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**Fiscal Impact**

**Fiscal Year:**

**One-time Fixed Costs? (\$\$\$):**

**Ongoing Costs? (\$\$\$):**

**County Match Required? (\$\$\$):**

**A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):**

**Source of Funding?:**

**Fiscal Impact & Funding Sources (if known):**

Indigent Defense sufficiently budgets for these expenditures.

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### **Attachments**

Contract

**Regular Board of Supervisors Meeting**

**Meeting Date:** 12/03/2013

New Liquor License Steve & Tina's Brite Spot Restaurant

**Submitted By:** Arlethe Rios, Board of Supervisors

**Department:** Board of Supervisors

**Presentation:** No A/V Presentation

**Recommendation:** Approve

**Document Signatures:** BOS Signature NOT Required

**# of ORIGINALS** 0

**Submitted for Signature:**

**NAME  
of PRESENTER:** Arlethe Rios

**TITLE  
of PRESENTER:** Clerk of  
the  
Board

**Mandated Function?:** Not Mandated

**Source of Mandate  
or Basis for Support?:**

**Docket Number (If applicable):**

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**Information**

**Agenda Item Text:**

Approve a new liquor license application for a series #12 (restaurant) liquor license submitted by Ms. Christina M. Carbajal for Steve & Tina's Brite Spot Restaurant located at 10989 E Hwy 92, Palominas, 85615.

**Background:**

Ms. Christina M. Carbajal has applied for a series #12 (restaurant) for Steve & Tina's Brite Spot Restaurant located at 10989 E Hwy 92, Palominas, 85615. The Sheriff's Office and the Planning and Zoning Department have recommended approval of the application. There have been no formal protests to this liquor license.

The Environmental Health Division that they have no objections to issuing a liquor license to Ms. Judith L. Leiker. The Treasurer's Office noted that all property taxes for the location are current.

Ms. Carbajal has paid the \$100.00 processing fee. Supporting documentation regarding this liquor license is attached.

**Department's Next Steps (if approved):**

Board staff will forward the Board's decision to the Arizona Department of Liquor License and Control.

**Impact of NOT Approving/Alternatives:**

A hearing on this application will be scheduled with the State Liquor Board.

**To BOS Staff: Document Disposition/Follow-Up:**

Send packet to ADLLC and copy of letter w/out attachments to applicant.

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**Attachments**

Application

Completed Review Forms

Notice of Posting  
Affidavit of Posting

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 12/03/2013

2014 Board Meeting Calendar

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME Arlethe Rios  
of PRESENTER:

Mandated Function?:

Recommendation:

# of ORIGINALS

Submitted for Signature:

TITLE Clerk  
of PRESENTER: of the  
Board

Source of Mandate  
or Basis for Support?:

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Information

Agenda Item Text:

Approve the 2014 Cochise County calendar reflecting the schedule of the Regular Board of Supervisor meetings for the calendar year 2014, the 2014 holidays and pay days, and authorize the Clerk to post the Public Notice of the 2014 meeting schedule.

Background:

Each year, we develop and post a notice of the regularly scheduled Board meetings, as required by statute.

Department's Next Steps (if approved):

Post notice of regular meetings on the bulletin board and online; disseminate information to County departments; input regular BOS meeting dates in AgendaQuick.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

See above.

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Attachments

2014 BOS Mtg Schedule\_Holidays & PayDays

## Board of Supervisors

## Regular Board of Supervisors Meeting

Meeting Date: 12/03/2013

Approve Board appointments and memberships for 2014

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

# of ORIGINALS

Submitted for Signature:

NAME  
of PRESENTER: Katie HowardTITLE  
of PRESENTER: Clerk  
of the  
Board

Mandated Function?:

Source of Mandate  
or Basis for Support?:

## Information

## Agenda Item Text:

Renew and/or revise committee appointments for members of the Board of Supervisors and executive staff for the 2014 Calendar Year and approve continuing annual memberships for 2014, with payment of associated dues as described herein.

## Background:

Once each year in January, the Board of Supervisors is requested to affirm or amend memberships with organizations deemed to be of countywide benefit, and to authorize payment of associated dues, when applicable. The organizations that the Board approved membership in, for 2014, appear on the attached listing along with dues amounts (if any). At the same time, the Board is asked to consider renewing or revising its appointments to various committees and boards on which a member of the Board of Supervisors sits.

## Department's Next Steps (if approved):

Notify organizations of continuing membership and of Board member designated to be representative. Board staff will process payment of dues upon receipt of invoices for each of the approved memberships on the attached spreadsheet unless the membership is not renewed by the Board.

## Impact of NOT Approving/Alternatives:

n/a

## To BOS Staff: Document Disposition/Follow-Up:

See department's next steps, above.

## Attachments

2014 Board-Committees List

## Human Resources

**Regular Board of Supervisors Meeting****Meeting Date:** 12/03/2013

HR Analyst

**Submitted By:** Kelley Jones, Human Resources**Department:** Human Resources**Presentation:****Recommendation:****Document Signatures:****# of ORIGINALS** 2**Submitted for Signature:****NAME  
of PRESENTER:****TITLE  
of PRESENTER:****Mandated Function?:****Source of Mandate  
or Basis for Support?:****Docket Number (If applicable):**

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**Information****Agenda Item Text:**

Adopt revisions and updates to the Cochise County Drug and Alcohol Policy, Family and Medical Leave Act (FMLA) Policy and the Worker Compensation Policy effective January 1, 2014.

**Background:**

The Cochise County Board of Supervisors has the authority to adopt County personnel policies outlining how personnel administration is addressed within County Government. These policies have been adopted by the Board of Supervisors: 1) as required by federal and state laws, 2) to provide benefits for employees such as annual leave, sick leave and donated leave for catastrophic illnesses, and 3) to provide clear and concise organizational policies for all employees. The Board of Supervisors adopted the Human Resources Policy Manual at their March 13, 2012 meeting and was effective April 1, 2012. As several policies were incorporated into the manual, three (3) policies were not included due to necessary revisions and updates required pursuant to federal and state law changes. On August 20, 2013 via email draft policies were submitted to the Department Directors and Elected Officials for review prior to the scheduled work session. These revisions were presented by the Human Resources staff and County Administration at the August 27, 2013 work session. On September 30, 2013, after reviewing the comments and feedback from the Department Directors and Elected Officials, a draft of these policies were submitted to all Cochise County employees via email to solicit their feedback and comments.

1. Drug and Alcohol Policy - The Board of Supervisors adopted a revision to this policy on August 10, 2004 which superceded Resolution 96-27 (3/18/96) and Merit System Rules 12.7. Proposed revisions to this policy are: 1) changes to the post-accident testing; 2) additional safety sensitive positions to be pre-employment and randomly tested; and 3) changes to the reasonable suspicion testing for all County employees.
2. Worker Compensation Policy - The Board of Supervisors adopted the following revisions to this policy: Res. 84-44 5/29/1984 Resolution 84-44 refers to computing compensation benefits for volunteers to be \$4 per month for the purposes of calculating worker's compensation insurance for the volunteers Res. 92-10 2/24/1992 Reference MR 13.5, 15.5, 15.6 Res. 97-25 4/30/1997 Suspending operation, retro 2/24/92 - 7/30/97, of Res. 92-10 and portions of MR 15.5 & 15.6 - ee's receiving accruals while on W/C (Res. 97-25 rescinds MR 15.5B(3) & 15.6B(5) The proposed Worker Compensation Policy incorporates State mandated revisions to worker compensation to include the addition of the A.R.S. 38-961 "Public Safety Supplemental Benefits Plan".
3. Family and Medical Leave Act Policy - The Board of Supervisors adopted the formal Cochise County Family and Medical Leave Act Policy on May 20, 1996. Res. 96-48 adopted FMLA policy mandated by the Federal government per the Family and Medical Leave Act of 1993. In 2008 and 2013, the Federal government required updates to FMLA policies to



include definitions, military caregiver leave, military exigency leave, and veteran caregiver leave. Human Resources staff has updated the FMLA policy to incorporate these mandated requirements to be in compliance.

**Department's Next Steps (if approved):**

Human Resources will disseminate the revised County Human Resources Policies to employees via email and/or place these on the internal County website.

**Impact of NOT Approving/Alternatives:**

All three (3) policies will remain status quo. The Worker Compensation policy and the FMLA policy will remain out of compliance in violation of Federal and State mandates.

**To BOS Staff: Document Disposition/Follow-Up:**

Record resolution.

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**Fiscal Impact**

**Fiscal Year:**

**One-time Fixed Costs? (\$\$\$):**

**Ongoing Costs? (\$\$\$):**

**County Match Required? (\$\$\$):**

**A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):**

**Source of Funding?:**

**Fiscal Impact & Funding Sources (if known):**

Current cost is approximately \$1,600 for the mandatory pre-employment testing and random testing for CDL required positions. This cost also includes any post-accident testing. Upon approval of the revised Drug and Alcohol Policy, the cost for the testing will increase due to the testing of additional identified safety sensitive positions which will be pre-employment tested and randomly tested. There is an additional fiscal impact for the Worker Compensation Policy with the supplement benefits for the public safety and CORP employees. The fiscal impact depends on eligible situations. There has been one (1) public safety employee that was affected by the supplemental benefit and the total cost to the County was \$4,300 (this equated to the return of 184 hours of sick leave and \$451.00 reimbursement to the employee for their portion of the public safety retirement contributions).

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**Attachments**

Resolution HR Personnel Policies

FMLA Exhibit C

WC Exhibit B

Drug & Alcohol (Exhibit A)